

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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DATE FILED: 7/28/2022

MICHAEL VOLKL,

Plaintiff,

-against-

MOYNIHAN STATION DEVELOPMENT CORP,  
*et al.*,

Defendants.

1:22-cv-6042 (MKV)

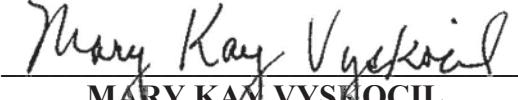
**ORDER REMANDING ACTION**

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the letter and partial stipulation filed by Defendants at ECF No. 6, representing that the Parties have reached an agreement resolving the federal claims in this removed action and seeking remand to state court. “When all bases for federal jurisdiction have been eliminated from a case so that only pendent state claims remain, the federal court should ordinarily dismiss the state claims.” *Baylis v. Marriott Corp.*, 843 F.2d 658, 665 (2d Cir. 1998). “Where the state claims originally reached the federal forum by removal from a state court, the district court has the discretion to dismiss the claims without prejudice or remand them to the state court.” *Id.* Defendants here removed this case on the basis of federal question jurisdiction. [ECF No. 1]. The Parties do not request that this Court retain jurisdiction, and no justification for retaining jurisdiction over the remaining state law claims which remain is apparent from the record. Accordingly, the Court declines to exercise pendent jurisdiction over the matter, and hereby remands this action to the Supreme Court of the State of New York, New York County for further proceedings.

**SO ORDERED.**

Date: July 28, 2022  
New York, NY

  
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MARY KAY VYSKOCIL  
UNITED STATES DISTRICT JUDGE